



Austin City Council MINUTES

For JULY 13, 1989 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, approved minutes from the regular meeting of June 29, 1989 and special meetings of June 15 & 29, 1989. (4-0 Vote, Councilmembers Carl-Mitchell, Nofziger and Urdy out of the room.)

CITIZEN COMMUNICATIONS

David Rodriguez discussed City art gallery and convention center project. Jim Wittliff and Richard Mathias talked about right-of-way acquisition. H. Mickey Bentley discussed South Lamar Boulevard. Recycling was explained by J.D. Porter. Lori Cervenak-Renteria talked about protection of east Austin from the convention center. Gavino Fernandez Jr. discussed staffing and funding of recreation centers in east Austin. Bryant Herron has concerns about Blanco Street. Donna Hughes was not present. Patton Kaufman discussed the Aqua Festival.

AUSTIN COMMISSION FOR WOMEN

A report on the convention center was given by Jean Zurow, vice-chair, Austin Commission for Women. The Commission's chairperson, Kay Keesee discussed televised meetings of the Commission.

AUSTIN TRAVIS COUNTY MENTAL HEALTH POLICY ADVISORY COUNCIL

Dr. Peal of the Austin Travis County Mental Health Policy Advisory Council referred to the recommendations they had made concerning psychiatric service.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, approved the Advisory Council's recommendations. (7-0 Vote)

ARTS COMMISSION

Albert Valle, Arts Commission, commented on the Austinplan.

VARIANCE REQUEST

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, approved a request from Mr. George Zegub Jr. and Mr. Donald Sconci for a variance from the terms of the Right-of-Way Ordinance for 900 East 7th Street. (7-0 Vote)

RECESS

Council recessed its meeting from 2:23 to 2:36 P.M.

CONSENT ORDINANCES

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (7-0 Vote)

Grant Funds

Approved accepting and appropriating \$23,990.00 in additional grant funds from the Texas Department of Health and amended the FY 1988-89 Operating Budget by appropriating \$17,798.00 to fund personnel costs in the Health Department's Environmental Health Services Program and Sexually Transmitted Disease Program.

Zoning Ordinance

Approved second/third readings of an ordinance rezoning the property locally known as 7608 FM 969 Road, Case No. C14-88-0134, from "SF-2" to "SF-3" by Griesbach Properties, Inc. First Reading: January 26, 1989 (5-0) Councilmember Urdy and Councilman Barnstone out of room. Conditions have been met as follows: Planning Department recommends deletion of the right-of-way dedication requirement. Transportation Review has reviewed and determined that Mr. Griesbach qualifies for an exemption from the Dedication of Right-of-Way requirement pursuant to Section 13-5-2 ILDC. Section 13-5-2 ILDC allows for the exemption from the right-of-way dedication requirement for single-family or duplex residences that existed on or before July 17, 1986 and that do not exceed structural alterations of more than 1,000 square feet or 25% of the area of the building.

Speed Zones

Amended the Austin City Code to modify the following speed zones:

11-2-100(b) 40 mph

Add: Rutherford Lane from Cameron Road to East
Anderson Lane (U.S. 183)

Variance Approved

Approved a request from Mr. Jack Morton for a variance from the terms of the Right-of-Way Ordinance for Lakeline Subdivision, C8-85-067.02.

Legal Description Amended

Approved amending Ordinance No. 880929-EE to correct (i) the legal description for the property identified as Tract 2 and (ii) the restriction imposed by the Conditional Overlay combining district on the entire property, locally known as 4500-4544 South Lamar Boulevard, Zoning Case C14-88-0120-CO.

CONSENT RESOLUTIONS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Urdy's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Drainage Easement

Authorized release of a portion of the 25' drainage easement (recorded in Volume 7176, Page 1339 of the Travis County Real Property Records, out of Lot 1A of Interstate 35 Industrial Park III, locally known as 4110 Santiago Street. (Request submitted by Chase Baromeo Jr. on behalf of Charles Maund and William Gatton.)

Vista Landscape

Authorized the execution of an agreement for landscape liability and maintenance of public right-of-way in Vista Business Park Subdivision.

Capital Improvements Program

Approved of a Community Facilities Contract for the dedication of a drainage easement and construction of a channel for U.S. Hwy. 183 (Cost of construction not to exceed \$799,100.00) C.I.P. No. 672843.

Approved acquisition of 7,086 square feet of land for street purposes for the Montopolis Drive Project. C.I.P. No. 85/62-27.

Approved of the acquisition of 12,418 square feet of land for street purposes for the Burleson Road Project. C.I.P. No. 81/62-13

Senior Lunch Program

Approved the City Manager or her designee to enter into an Interlocal Agreement between the City of Austin and Travis County for the operation of the Senior Lunch Program.

Lantana Subdivision

Authorized execution of Community Park Facilities Agreement for the construction and dedication of certain park facilities by Realtex Funding Corp. in Lantana Subdivision, located on 22.562 acres along the west side of William Cannon Drive, south of Rialto Boulevard and east of Terravista Drive.

Ordinance Approved

Passed through second/third readings of an ordinance rezoning 22.562 acres situated along the west side of William Cannon Drive West, south of Rialto Boulevard and east of Terra Vista Drive in Lantana, Case No. C14-85-288.8 (Part) from interim "RR" Rural Residence district to "P" by David Armbrust. First reading: April 23, 1986 (5-0) Conditions have been met by Community Park Facilities Agreement, to be considered as a related item, incorporating conditions imposed.

License Agreement

Approved entering into a License Agreement to allow thirteen separate underground utility pipelines crossing City-owned railroad right-of-way in Kingsland, Texas. (Request submitted for Kingsland Municipal Utility District)

Refund

Approved refunds of water and wastewater capital recovery fees paid by The University of Texas. (\$85,575.00 refund amount)

Home Care Services

Authorized an Interlocal Cooperation Agreement between the City of Austin and Travis County for Home Care Services. (Travis County reimburses City on fee-for-service basis - no City refunds required.)

Public Hearing Set

Set a public hearing amending Chapter 13-2 to permit commercial blood plasma donation centers in CS, Commercial Services, and less restrictive districts and require conditional use permits under certain conditions for August 3, 1989 at 5:00 P.M.

ITEMS PULLED AND POSTPONED

Pulled from the agenda was a resolution authorizing the City

Manager to take appropriate action for property acquisition for the convention center.

Postponed to July 20, 1989 is consideration of an ordinance for authorization and approval of an amendment to the FY 1988-89 Financial Plan by appropriating an additional \$1,713,146.00 to the Workers' Compensation Fund, \$13,146.00 from the Workers' Compensation Fund to the PARD-Golf and Public Events Facilities funds, and \$74,486.00 from the General Fund to the Hospital Fund.

Postponed to July 20, 1989 is authorization and approval of a two and one-half month contract award to Adjustco Incorporated, 2200 Powell Street, P.O. Box 8819, Emeryville, California, for a cost not to exceed \$123,750.00 for the Workers' Compensation Third Party Administration and Information Services.

Postponed to July 20, 1989 to set for public hearing are two resolutions:

Authorization and approval of a contract award for disk drive upgrade equipment for use with mainframe computer, not to exceed \$233,500.00 (to be paid through third-party financing approved by Council on May 25, 1989) from Amdahl Corporation, First City Centre, 816 Congress Ave. Suite 700, Austin, Texas.

Authorization and approval of a contract award for mainframe memory upgrade not to exceed \$168,000.00 to be purchased with third party funds from Amdahl Corporation, First City Centre, 816 Congress Avenue, Suite 700, Austin, Texas.

Related Items Also Postponed

Request for waiver of Anti-Apartheid Ordinance for Amdahl Corporation for disk drive upgrade and mainframe memory upgrade.

Request for a waiver of Anti-Apartheid Ordinance for Mobile Data International for Data Terminal System.

Postponed to July 20, 1989 is consideration of approval of Department of Aviation Concession Policy for Robert Mueller Municipal Airport.

Postponed to July 20, 1989 is consideration of approving an action plan for legal services for the new airport project land acquisition.

CAPITAL IMPROVEMENTS PROGRAM

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted the following resolutions all in one consent motion: (7-0 Vote)

Approved a construction contract award in the amount of \$1,226,455.00 (West Contract) to Haegelin Construction Company, Inc. P.O. Box 9086, Austin, Texas for water and wastewater system improvements in the Central Business District from 1st to 8th Streets from Nueces to San Jacinto Streets. (\$411,660.00 included in C.I.P. No. 227734 - \$814,795.00 included in C.I.P. No. 237733)

Approved a construction contract award in the amount of \$556,835.00 (North Contract) to Haegelin Construction Co., Inc. P.O. Box 9086, Austin, Texas for Water and Wastewater System Improvements in the Central Business District from 8th to 12th Streets from Nueces to Red River. (\$485,215.00 included in C.I.P. No. 227734 - \$71,620.00

Approved a construction contract award in the amount of \$778,857.35 to Reddico Construction Company, Inc. 15212 Ranch Road 620, Austin, Texas, for water and wastewater system improvements in the Central Business District from 1st to 8th Streets from San Jacinto to Red River. (\$406,510.50 included in C.I.P. No. 227734 - \$373,346.85 included in C.I.P. No. 237733).

LION'S GOLF COURSE CONCESSION

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Humphrey's second, adopted a resolution authorizing approval of a three year contract (RFP) with Cumulus, Inc. for a food and beverage concession at Lion's Municipal Golf Course Clubhouse. (Estimated revenue to the City \$63,247.00) (6-0 Vote, Councilmember Nofziger out of the room)

PUBLIC HEARING - ANNEXATION

Mayor Cooke opened the public hearing on annexation of approximately 88 acres of land owned by the University of Texas on Stratford Drive. No one appeared to speak. (This was the first of two required hearings.)

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing. (6-0 Vote, Councilmember Nofziger out of the room.)

NEW AIRPORT LAND ACQUISITION SERVICES

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution approving the selection of a firm for land acquisition services for the new airport development and authorized the City Manager to negotiate and execute a professional

services contract: Zimmerman, Roth & Rosato, Inc. for \$3.3 million (subject to negotiation) (Airport Revenue Bonds and Federal Aviation Administration Grant Funds). (5-1-0 Vote, Councilmember Barnstone voted No, Councilmember Humphrey abstained.)

BOTANICAL GARDEN

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, adopted a resolution approving a reservation agreement with the Texas Botanical Garden Society for parkland in Zilker Park for construction of a botanical garden. (Funds for development and maintenance to be privately raised)

ZONING HEARINGS

Mayor Cooke announced Council would hear the following zoning cases. Council heard, closed the public hearings and passed ordinances on both cases.

C14-89-0028 - TEXAS COMMERCE BANK, by Sandlin & Company, Realtors, 8301 Shoal Creek Blvd. from "LO" to "GR". (0.300 acre) RECOMMENDED to grant "GR", Community Commercial, as requested, subject to dedication of 45 feet of right-of-way from the centerline of Shoal Creek Boulevard.

ORDINANCE

(On Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, 5-0 Vote, Councilmembers Barnstone and Humphrey out of the room.)

C14-89-0032 - AUSTIN SAVINGS ASSN. by Lake Austin Blvd. Animal Clinic, Robert L. Spitz, 2301 Lake Austin Blvd. from "LO" to "LR". (0.140 acre) RECOMMENDED "LR", Neighborhood Retail, subject to (1) upgrading the Lake Austin Boulevard driveway approach to a 15 foot width with a 10 foot radius, (2) posting a sign for one-way operation prior to issuance of a Certificate of Occupancy, and (3) the conditions of the West Austin Neighborhood Group, dated April 25, 1989, excluding items #2 and #6. APPLICANT REQUESTS EMERGENCY PASSAGE OF ORDINANCE.

EMERGENCY PASSAGE OF ORDINANCE

(On Mayor Pro Tem Shipman's motion, Mayor Cooke's second, 7-0 Vote)

CITIZEN COMMUNICATION TIME CHANGE

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, adopted a resolution changing Citizen Communications from 1:00 p.m. to 5:30 p.m., beginning August 3, 1989. (7-0 Vote)

WORKSESSIONS SET

Council discussed the schedule for adoption of the 1989-90 budget. Council unanimously agreed to have a worksession concerning

the 1989-90 Operating Budget on Tuesday, July 18, 1989 beginning at 12:00 Noon and on July 20, 1989 beginning at 9:30 a.m.

EXECUTIVE SESSION

Mayor Cooke announced Council would enter into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

Pending Litigation - Section 2, Paragraph e

- (a) City of Austin vs. Houston Lighting and Power
- (b) Potential Litigation re: Revocation of developmental permits in Bull Creek Watershed

RECESS

Council recessed its meeting from 4:52 to 7:25 P.M.

HLP

As a result of discussion during executive session concerning City of Austin vs. Houston Lighting and Power, the following motion was made:

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, voted to appeal the case of City of Austin vs. Houston Lighting and Power. (7-0 Vote)

PARKING REQUIREMENTS

Mayor Cooke opened the public hearing set for 5:00 P.M. on proposed amendment to the Interim Land Development Code that would revise parking requirements for several land uses. Speaker's cards are on file in the City Clerk's office.

Motion

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, closed the public hearing, waived the requirement for three readings and finally passed an ordinance amending the Interim Land Development Code that would revise parking requirements for several land uses. (6-0 Vote, Councilmember Nofziger out of the room.)

PAVING ASSESSMENTS

The Council, on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Shipman's second, voted to direct the City Manager to prepare an Ordinance repealing the assessments on Jollyville Road Phases I, II, and III and to amend the current Paving Assessment Policy. (5-0 Vote, Councilmembers Barnstone and Nofziger out of the room.)

CENSUS MATERIALS

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, adopted a resolution requesting that all census materials be in both Spanish and English. (6-0 Vote, Councilmember Barnstone out of the room.)

CDBG

Mayor Cooke announced the 6:00 discussion to consider the adoption of general topic areas and funding allocations for the FY 1989-90 (15th Year) Community Development Block Grant Program would begin. Several people spoke and their cards are on file in the City Clerk's office.

Motion

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Urdy's second, closed the public hearing and directed that this be brought back on July 18, 1989. (7-0 Vote)

No action was taken on a resolution to consider authorization and approval for the City Manager to apply for and accept from the United States Department of Housing and Urban development \$4,927,000.00 in Fiscal Year 1989-90 (15th year) Community Development Block Grant Entitlement Program Funds.

APPEAL RESCINDED

The Council, on Councilmember Barnstone's motion, Councilmember Nofziger's second, voted to rescind and deny an appeal from Mr. Sam Talkington of the Planning Commission's action which concerned development permits for three subdivisions located upstream of property in Bull Creek Watershed. (5-2 Vote, Mayor Pro Tem Shipman and Councilmember Humphrey voted No.)

BOY SCOUT TROOP 89 RECOGNIZED

Mayor Cooke recognized the presence of Boy Scout Troop 89 who were in the Council Chamber to observe for requirements for their communications merit badge.

BARTON CREEK WATERSHED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, waived the requirement for three readings and finally passed an ordinance authorizing the transfer of development rights for certain property in Barton Creek Watershed. (6-0 Vote, Councilmember Urdy out of the room.)

STREET CLOSURES FOR AQUA FEST

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, approved street closures to control parking in neighborhoods during Aqua Fest (the same ones as last year). (6-0 Vote, Councilmember Barnstone out of the room.)

MEADOWS AT TRINITY CROSSING SUBDIVISION

The Council, on Councilmember Urdy's motion, Councilmember Carl-Mitchell's second, passed through FIRST READING ONLY an ordinance amending ordinance numbers 850620-J; 870507-I; 830921-L; 811204-A; 860911-W to allow the City to hold in escrow certain fees; establishing special provisions for the final plat of the Meadows at Trinity Crossing Subdivision. (6-0 Vote, Councilmember Barnstone out of the room.)

APPOINTMENTS

The Council, on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, appointed Mayor Pro Tem Shipman to the Joint Airport Zoning Board of Austin and Travis County, Texas. (6-0 Vote, Councilmember Barnstone out of the room)

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Carl-Mitchell's second, appointed Mary Arnold as a member of the Water and Wastewater Commission. (6-0 Vote, Councilmember Barnstone out of the room.)

ADJOURNMENT

Council adjourned its meeting at 10:10 P.M.